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ATTORNEYS FOR PLAINTIFFS

RUTHELLEN HARRIS, INDIVIDUALLY AND AS PERSONAL REPRESENTATIVE OF
ROBERT JEAN HARRIS, HEATHER HARRIS, JAMIE HARRIS AND GREG HARRIS

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RUTHELLEN HARRIS, individually and as
personal representative of ROBERT JEAN
HARRIS, HEATHER HARRIS, JAMIE HARRIS
and GREG HARRIS,

Plaintiffs,

v.

COSTCO WHOLESALE CORPORATION,
WAREHOUSE DEMO SERVICES, INC.,
CARGILL MEAT SOLUTIONS
CORPORATION, FRESH CHOICE
INTERNATIONAL, LLC and DOES 1 – 100,
inclusive,

Defendants.

CASE NO. CV-10-04628CW

**STIPULATION TO CHANGE TIME
AND ORDER**

Local Rule 6-2

Complaint Filed: October 13, 2010
Trial Date: June 4, 2012

All parties agree to continue the hearing and briefing schedule on the separate motions for
summary judgment of defendant Costco Wholesale Corporation (“Costco”) and defendant
Warehouse Demo Services Inc., (“WDS”) by thirty (30) days, or such other date as is convenient for

1 the Court.

2 Defendant WDS filed its Motion on January 24, 2012 (Docket No. 87), with a hearing set for
3 March 1, 2012. Plaintiffs' opposition is due February 7, 2012, and WDS's reply is due February 14,
4 2012. Defendant Costco filed its Motion on January 26, 2012 (Docket No. 90), with a hearing date of
5 March 1, 2012. Plaintiffs' opposition is due February 9, 2012, Costco's reply is due February 16,
6 2012.

7 **A. LR 6-2(a)(1): The Reasons For The Requested Enlargement Or Shortening Of Time.**

8 The reasons for the proposed modifications are the inability of plaintiffs' counsel to prepare
9 and file opposition briefs to the two motions due February 7 and 9, based on: (1) pre-paid previously
10 scheduled out-of-state travel and depositions in the next two weeks; (2) that certain deposition
11 transcripts required for the oppositions have not yet been finalized by the court reporters; (3)
12 Plaintiffs noticed the deposition of WDS/Costco employee Tamika Grisez for July 20, 2011,
13 December 7, 2011, and most recently, February 6, 2012. Plaintiff had difficulty locating and serving
14 this former WDS employee; and (4) Plaintiffs took the deposition of WDS employee Deanna
15 Gehrett on January 20, 2012. Based on that deposition, plaintiffs propounded new requests for
16 documents on January 20, 2012, necessary to verify the time the various WDS employees worked on
17 the accident date. WDS's responses are due on February 24, 2012.

18 **B. LR 6-2(a)(2): All Previous Time Modifications In The Case.**

19 The trial date and pretrial conference have never been modified. Previous time modifications
20 in the case include changing deadlines for: (1) completion of mediation (from October 19, 2011 to
21 January 31, 2012); (2) expert disclosures (from November 1, 2011, to February 1, 2012); (3) rebuttal
22 experts (from December 1, 2011, to March 1, 2012); (4) completion of non-expert discovery (to May
23 4, 2012); (5) completion of expert discovery (to May 18, 2012).

24 **C. LR 6-2(a)(3): The Effect The Requested Time Modification Would Have On The**
25 **Schedule For The Case.**

26 This requested time modification will have no effect on the schedule for the case.

27 Based on the foregoing, the parties respectfully request the Court continue the hearings and
28 briefing schedule as set forth above.

Respectfully Submitted,

DATED: January 27, 2012

THE VEEN FIRM, P.C.

By: /s/
Anthony L. Label
Attorneys for Plaintiffs

DATED: January 27, 2012

PERRY, JOHNSON, ANDERSON, MILLER &
MOSKOWITZ, LLP, LLP

By: /s/
Oscar Pardo, Esq.
Attorneys for Defendant Warehouse Demo
Services, Inc.

DATED: January 27, 2012

CROSBY & ROWELL, LLP


By: /s/
Thomas C. Crosby, Esq.
Amy M. Kimmel, Esq.
Attorneys for Defendant Costco Wholesale
Corporation

Order:

The hearings on Motions for Summary Judgment of Defendant Warehouse Demo Services, Inc., and Defendant Costco Wholesale Corporation, **and the further case management conference** are continued to April 5, 2012, 2:00 p.m.. Oppositions are due March 9, 2012. Reply Briefs are due March 16, 2012. **This hearing date may not allow sufficient time for ruling on the motions before the pretrial preparations must begin, and thus may necessitate continuing the trial date.**

PURSUANT TO STIPULATION, IT IS SO ORDERED

DATED: January 30, 2012

By: 
Hon. Claudia Wilken
United States District Judge